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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 07-0732 SI

Plaintiff,

FINAL PRETRIAL SCHEDULING ORDER

BARRY LAMAR BONDS.

Defendant.

On February 17, 2009, the Court held a final pretrial conference in the above captioned matter, which is set for jury trial beginning March 2, 2009. All parties were represented by counsel. The following matters were resolved:

1. Trial schedule: The parties expect that the case will take approximately 12 days to complete. The Court does not hear trials on Fridays (although deliberating juries may continue their deliberations on Friday). The trial day runs from 8:30 a.m. until 3:30 p.m., with a 15 minute break at 10:00 a.m., a 30 minute break at 12:00 p.m. and a 15 minute break at 2:00 p.m., all times approximate.

2. **Number of jurors and challenges:** There shall be a jury of twelve members, plus two alternate jurors. The government shall have six peremptory challenges, the defendant shall have ten peremptory challenges, and each side shall have one additional peremptory challenge for the alternates.

1 3. **Voir dire:** On Monday, March 2, 3009, the Court will provide a questionnaire to be
2 completed by the full panel of time-qualified jurors. Copies of the completed questionnaires will be
3 provided to counsel on March 2, 2009. The questionnaires will be numbered prior to distribution to
4 counsel, and the potential jurors will be called in that same order during voir dire. Oral voir dire in the
5 courtroom will commence on Tuesday, March 3, 2009 at 8:30 a.m. The Court will conduct general voir
6 dire, and counsel for each side shall have up to 60 minutes total to question the panel. The parties have
7 proposed changes to the stipulated questionnaire. Defendant may make the changes numbered 1 and
8 6, as well as his proposed change to Question No. 43. All other proposed changes to the stipulated
9 questionnaire are denied. All completed questionnaires will be filed and retained under seal.

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11 4. **Jury instructions:** The Court received proposed jury instructions from the parties,
12 which will be finalized before closing argument.

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14 5. **Trial exhibits:** No later than February 27, 2009, the parties shall submit their trial
15 exhibits, in binders with numbered tabs separating and identifying each exhibit. The court shall be
16 provided with two sets (for the court and the witness) and each side shall provide one set for the other
17 side. The original exhibits shall be provided to the Clerk when deliberations begin.

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19 6. **Grand jury transcripts:** The charges in this action arise from testimony before a grand
20 jury. The parties will meet and confer on the process for presenting defendant's grand jury testimony
21 to the jury.

22
23 7. **Other motions:** The government's request to exclude witnesses other than Agent
24 Novitzky from the courtroom during trial is granted; this exclusion order does not apply to expert
25 witnesses. The government's request for defendant to bear the costs of recalling government witnesses
26 is denied. The government has indicated that Greg Anderson intends to refuse to comply with the
27 government's subpoena to testify at trial. The parties are directed to jointly advise the Court as to when
28 during the week of February 23 they are available for a hearing on this issue. The Court will order Mr.

1 Anderson to appear at the hearing and will use this opportunity to assess whether he intends to comply
2 with the subpoena.

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4 **IT IS SO ORDERED.**

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6 Dated: 2/19/09

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Susan Illston

SUSAN ILLSTON
United States District Judge